

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHERINE MOSSOURIS, HOLLY MUENCHOW, and DANA PIERMARINI, on behalf of themselves and a class of those similarly situated,

Plaintiff,

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**DEFENDANT MICROSOFT
CORPORATION'S MOTION TO SEAL
CORRECTED SAAD EXPERT
REPORT**

**NOTE ON MOTION CALENDAR:
MARCH 2, 2018**

MICROSOFT'S MOTION TO SEAL CORRECTED
SAAD EXPERT REPORT
Case No. 2:15-CV-01483-JLR

1 Pursuant to Civil Local Rules 5(g) and 7(d), Defendant Microsoft Corporation
2 ("Microsoft") files this Motion to seal narrowly tailored portions of Dr. Ali Saad's Corrected
3 Expert Report in support of Defendant's Opposition to Plaintiff's Motion for Class Certification
4 ("Dr. Saad's Corrected Expert Report"). Specifically, Microsoft requests that the Court seal
5 references to confidential business information that would cause Microsoft competitive harm if
6 disclosed.¹ Microsoft is moving to seal the same categories of information it moved to seal in
7 Dkt. 283, and incorporates the arguments made in Dkt. 283 as if fully set forth herein. Microsoft
8 certifies that pursuant to Local Rule 5(g)(1)(A), it met and conferred in good faith with
9 Plaintiffs' counsel via email and by phone to avoid or narrow the scope of the information
10 Microsoft moved to seal in the Dr. Saad's Expert Report. *See* Dkt. 283 at 1-2.

11 On January 5, 2018, Microsoft filed Dr. Saad's Expert Report. Dkt. Nos. 289 [redacted];
12 290 [sealed]. On January 5, 2018, Microsoft moved to seal certain portions of the originally
13 filed version of Dr. Saad's Expert Report. *See* Dkt. 283. Plaintiffs did not oppose that motion
14 to seal. *See* Dkt. 326. Upon reviewing the Expert Rebuttal Report submitted by Dr. Farber
15 (ECF No. 344), it came to Microsoft's attention that Dr. Saad's Expert Report required
16 correction. Microsoft has now noticed the filing of a corrected version of Dr. Saad's Expert
17 Report, correcting certain statistics and calculations.

18 The categories of information Microsoft is currently moving to seal in Dr. Saad's
19 Corrected Expert Report are identical to the categories Microsoft moved to seal on January 5,
20 2018. *Compare* Dkt. 283-1, PROPOSED Order Granting Motion to Seal *with* PROPOSED
21 Order Granting Motion to Seal filed contemporaneous with this motion. Earlier today, the
22 Special Master issued a Report and Recommendation regarding Microsoft's previous motions
23 to seal. Dkt. 351. That Report and Recommendation is subject to approval by this Court. Upon
24 approval, Microsoft will file a version of Dr. Saad's Corrected Expert Report that conforms with
25 this Court's final order on Microsoft's motions to seal. The redactions on the corrected version
26 of Dr. Saad's Expert Report filed today, however, are consistent with the redacted version of Dr.

27 ¹ In accordance with Local Rule 5(g), Microsoft has limited the materials to be sealed as much as possible.
28 Microsoft sets forth in detail the specific portions of the Expert Report that it seeks to seal in the Redacted Expert
Report and the [Proposed] Order, both submitted concurrently herewith.

1 Saad's Expert Report filed on January 5, 2018 (*see* Dkt. 289).

2 Accordingly, Microsoft respectfully requests that the Court seal portions of Dr. Saad's
3 Corrected Expert Report.

4
5 Dated: February 16, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

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20 Dated: February 16, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on February 16, 2018, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record.

DATED: February 16, 2018 ORRICK, HERRINGTON & SUTCLIFFE LLP

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